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The 2nd May, 1974

No. 36304 Lab-74/14465.—In pursuance of the provisions of section 17 of the Industries Disputes Act, 1947 (Act No. VIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management M/s. Dujodwala Industries, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 114 of 1970

between

SHRI M. R. SEENGAL AND THE MANAGEMENT OF M/S DUJODWAL INDUSTRIES,
FARIDABAD

Present.—

Shri M. R. Seengal workman, in person.

Shri Amarjit Singh Chadha, for the management.

AWARD

Shri M. R. Seengal the present claimant was in the employment of M/s Dujodwala Industries, Faridabad as an Engineer with effect from the 25th November, 1967. His services were allegedly terminated by the management on the 21st February, 1969. Feeling aggrieved, he raised a dispute which was referred for adjudication to this court by order No. ID/FD/428-A/ 14658-62 dated the 26th May, 1969 of the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947, with the following term of reference.

“Whether the termination of services of Shri M. R. Seengal was justified and in order? If not, to that relief is he entitled?”

The parties put in their pleadings giving rise to the following four issues.

1. Whether the present reference is bad in law for the reasons given in the written statement?
2. Whether Shri M. R. Seengal was not a workman as defined under the Industrial Disputes Act, 1947.
3. Whether the workman had tendered his resignation to the management on the 26th February, 1968? If so, with what effect?
4. Whether the termination of services of Shri M.R. Seengal was justified and in order? If not, to what relief is he entitled?

The management has examined 2 witnesses M. W. 1 Shri Krishan Lal their ex-employee as a Fitter and Shri Ram Gopal Dujodwala one of the partners M. W. 2. Reliance has been placed upon the documentary evidence consisting of Exs. M. 1, M. 2, M. 3 leave applications of certain employees sanctioned by Shri M. R. Seengal, Exs. M. 4, M. 5, M. 6, M. 7, M. 8, M. 9, M. 10, notes put up by Shri M. R. Seengal, regarding the duties performed by the employees concerned and payment of their dues, Ex. M. 11 acknowledgement of the receipt of letter the 21st February, 1969 by Shri M.R. Seengal regarding the termination of his services and letter the 27th December, 1968 written by the management to Shri M.R. Seengal with reference to his letter of resignation the 26th February, 1968 Ex. M. 12.

On the other hand, Shri M.R. Seengal has made his own statement and brought on record his appointment letter the 5th December, 1967 Ex. W. W. 1/1, copy of the resignation dated the 26th February, 1968 Ex. W. W. 1/2, reply received from the management dated the 26th February, 1969 Ex. W. W. 1/3, letter dated the 21st February, 1969 whereby his resignation was accepted by the management, Ex. W.W. 1/4, another letter, dated the 12th August, 1968 objecting to certain notings made by Shri M.R. Seengal, Ex. W.W. 1/5, declaration by Shri M.R. Seengal dated the 18th March, 1968 that he was a holder of first class Boiler Engineer competency certificate Ex. W.W. 1/6, certificate of posting Ex. W.W. 1/7, noting by Shri M. R. Seengal that Shri Smt. Som Wati was to be paid wages amounting to Rs. 85/25 Ex. W.W. 1/8 and clarification certificate addressed by the Chief Inspector, Boiler to Shri M.R. Seengal Ex. W. W. 1/9.

The case has been argued on both sides. Shri M.R. Seengal has filed written arguments also. I have given a careful consideration to the material on record and the contentions raised on both sides. It is a common ground between the parties that Shri M. R. Seengal the present claimant was appointed

Engineer to look after and supervise the installation work of the machinery, etc., when the factory was started. There is no evidence worth consideration on the record to indicate that he had ever been engaged in any work of manual, technical or clerical nature and that being so he does not come within the definition of a workman as defined under section 2 (s) of the Industrial Disputes Act, 1947. There were workers under him whose leave etc was sanctioned by him and he had been issuing orders regarding their payment of wages etc. The duties performed by him were those mainly of managerial and supervisory nature. That disposes of issue Nos. 1 and 2 which are decided against Shri M. R. Seengal holding that he is not a workman within the meaning of section 2(a) of the Industrial Disputes Act and that being so he could not raise the present dispute and the reference is bad in law for that reason.

There is another fact established on record which cuts at the very roots of the case set up by the present claimant. He had voluntarily submitted his resignation on 26th February, 1968 which fact is admitted by him. According to the management this resignation was accepted in the due course of time. There is no suggestion what to speak of any proof that the above resignation had been withdrawn by Shri M. R. Seengal at any stage before it was finally accepted by the management. He has nowhere stated that this resignation was submitted by him under any misunderstanding and not as a result of his free will nor that it had been obtained by the management by coercion, fraud, misrepresentation, etc. In the circumstances, the management was well within its right to accept his resignation voluntarily made by him of his own free will. The fact that the management had taken considerable time in accepting the resignation, is of little significance because during this long period Shri M. R. Seengal had expressed no desire at any time to withdraw the resignation and remain in the service of the management. He cannot, therefore, now be heard to say that he had no intention to resign from the service of the management. Issue No. 3 is accordingly decided against him.

In view of any above findings on issue Nos. 1 to 3, issue No. 1 does not arise for consideration as it is a clear case of voluntary resignation of the claimant which was never withdrawn by him and was duly accepted by the management. In the circumstances, the question of the termination of his services by the management without any justification does not arise. His services automatically stood terminated as soon as the resignation submitted by him was accepted by the management and the decision in this behalf was duly communicated to him. Issue No. 4 is held accordingly.

So judged from whatever angle no industrial dispute existed between the parties which could validly be referred for adjudication to this court. The award is made accordingly holding that Shri M. R. Seengal the present claimant is not entitled to any relief by way of reinstatement or payment of back dues for the intervening period. In the circumstances, there shall be no order as to costs.

Dated the 16th April, 1974.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 926; dated 19th April, 1974.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court Haryana,
Rohtak.

No. 3631-4Lab-74/14467.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workman and the management of M/s Raunaq Malleables, 12/6, Mathura Road, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 190 of 1972

between

SHRI MAHANDRA SINGH AND THE MANAGEMENT OF M/S RAUNAQ MALLEABLES,
12/6, MATHURA ROAD, FARIDABAD

Present:

Shri J. S. Saroba, for the management.

Nemo for the workman.

AWARD

Shri Mahendra Singh concerned workman was in the service of M/s Reunag Mallebles, 12/6, Mathura Road, Faridabad. He was brought under retrenchment,—*vide* notice, dated 15th February, 1972. Feeling aggrieved, he raised a dispute which was referred for adjudication to this court,—*vide* order No. ID/FD. 72/25647-51, dated 10th July, 1972 of the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947, with the following term of reference :—

Whether the termination of services of Shri Mahendra Singh was justified and in order? If not, to what relief is he entitled?

The parties filed their pleadings giving rise to the following issues :—

1. Whether no industrial dispute existed between the parties and the reference is bad in law as alleged by the management?
2. Whether the termination of services of the workman concerned was justified and in order? If not, to what relief is he entitled?

It is, however, not necessary to go into the merits of the case as the workman concerned has settled his dispute as per the memorandum of settlement Ex. M. 2. Statement of Shri J. S. Saroba authorised representative of the management has been recorded. According to him Shri Mahendra Singh has in fact become a Sadhu and had asked for the settlement of his account and pressed for payment of some excess amount as he was going to spend the money for the Shiv Mandir. He has further stated that in fact he was entitled to only Rs. 337/10 but on compensate ground, he was paid Rs. 650/- against voucher duly signed by him, copy Ex. M. 1 (original seen and returned).

The workman has not come forward to pursue his claim and his authorised representative Shri Darshan Singh has no instructions from him to dispute the above-said settlement. In the circumstances, the plea of the settlement raised by the management has to be believed as a genuine one.

The award is, therefore, made in terms of the above settlement holding that there is now no dispute left between the parties and the workman concerned Shri Mahendra Singh is not entitled to any other relief by way of reinstatement or payment of any other dues. There shall be no order as to costs.

Dated, the 12th April, 1974.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 925, dated the 19th April, 1974

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O.P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

S. N. BHANOT,
Commissioner for Labour and Employment
and Secretary to Government, Haryana.

IRRIGATION BRANCH

The 1st May, 1974

No. 4412.—Whereas the Governor of Haryana is satisfied that the Land specified below is needed urgently by the Government, at public expense, namely, for constructing New Pegan Sub-Minor from R.D. 53 feet to tail R.D. 5403 feet taking-off at R.D. 100240-Left of Rajaund Distributary

falling in villages Rohera and Kheri Bullawali of tehsil Jind, district Jind for which a notification has been issued under sub-section (4) of section 17 read with clause (c) of sub-section (2) of section 17 of the said act and published by Haryana Government Notification No. 3297/7-L, dated the 1st April, 1974, in *Haryana Government Gazette, Part-I*, dated the 9th April, 1974. It is hereby declared that the land described in the specification below is required urgently for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, for the information of all to whom it may concern.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, for the information all to whom it may concern.

The plans of the land may be inspected in the offices of the Land Acquisition Collector, Irrigation Department, Ambala and the Executive Engineer, Narwana Division, Irrigation Branch, Narwana.

SPECIFICATION

District	Tehsil	Village	Area in acres	Boundary
Jind	Jind	Rohera	1.15	Two strips of land 5350 feet in length lying generally in the direction of North-East to South-West as shown on the Index Plan and as demarcated at site and falling in the following field numbers:—
Do	Do	Kheri Bullawali	4.25	
		Total	5.40	

Village	Rectangle Number	Field Numbers
Rohera	186	16/2, 25/2, 25/1
	187	20, 21
	204	1, 10, 11, 20
	205	5, 6, 15, 16, 25
	—	546/2
Kheri Bullawali	1	25
	2	21
	7	1/1, 1/2, 10, 11/1, 11/2, 20, 21
	8	5, 6, 15, 16, 25
	15	5, 6, 15/1, 15/2, 16, 25
	16	1, 10/2, 11, 20, 21
	23	1, 10, 11, 20, 21
	24	5, 6, 15, 16, 25
	29	5, 6, 15, 16, 25
	30	1, 10, 11, 20, 21
	37	11
	38	5
	—	75/1, 73, 73/1, 76/1

A. L. KALRA,

Superintending Engineer,
Ambala, Bhakra Canals Circle,
Chandigarh.